

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS EASTERN DISTRICT**  
**DIVISION TWO**

STATE OF MISSOURI,	)	No. ED103131
	)	
Plaintiff/Respondent,	)	Appeal from the Circuit Court of
	)	the City of St. Louis
vs.	)	
	)	Honorable Julian L. Bush
LELAND HUGHES,	)	
	)	
Defendant/Appellant.	)	Filed: August 30, 2016

Leland Hughes (Defendant), appeals his conviction of first-degree burglary, first-degree robbery, two counts of kidnapping, five counts of armed criminal action, and one count of forcible rape. The trial court sentenced him to a total of 43 years.

AFFIRMED.

Division Two Holds: The trial court did not err in denying Defendant's motion to exclude co-defendant's (Borders) testimony under the Confrontation Clause because Defendant's cross-examination of Borders was not unreasonably limited. Based on the overwhelming evidence implicating Defendant, in addition to Borders' testimony, we find that even if the court's inclusion of Borders' testimony violated Defendant's Sixth Amendment and Fourteenth Amendment rights, that it was harmless beyond a reasonable doubt.

Additionally, a reasonable trier of fact could find beyond a reasonable doubt that T.A. identified the man who raped her as Defendant and not Borders. Therefore, there was sufficient evidence to support his conviction for forcible rape under Count XIX and the accompanying armed criminal action under Count XX. Accordingly, the trial court did not err in denying Defendant's motions for judgment of acquittal.

Opinion by: Colleen Dolan, J.

Sherri B. Sullivan, P.J., and Roy L. Richter, J., concur.

Attorneys for Appellant: Kevin B. Gau, Andrew E. Zleit

Attorney for Respondent: Robert Jefferson Bartholomew, Jr.

<b>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</b>
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